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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN JOSE DIVISION
19

20 UNITED STATES OF AMERICA,
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22 Plaintiff,
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24 v.
25
26 RAMESH "SUNNY" BALWANI,
27
28 Defendant.

Case No. 18-CR-00258-EJD

**DECLARATION OF JEFFREY B.
COOPERSMITH IN SUPPORT OF
MR. BALWANI'S RESPONSES TO
GOVERNMENT'S MOTIONS IN
LIMINE**

Judge: Honorable Edward J. Davila

DECLARATION OF JEFFREY B. COOPERSMITH

I, Jeffrey B. Coopersmith, declare as follows:

1. I am lead counsel for defendant Ramesh “Sunny” Balwani in this case, an attorney admitted to practice in the State of California, and a partner at the law firm of Orrick, Herrington & Sutcliffe LLP. I submit this declaration in support of Mr. Balwani’s responses to the government’s motions in limine. Attached to this declaration are exhibits cited in those responses. The exhibits are numbered consecutively from the exhibits supporting Mr. Balwani’s own motions in limine (Dkt. 1156-1), and thus begin with Exhibit 45.

2. Exhibit 45 is copy of transcript excerpts from the trial of Mr. Balwani’s co-defendant Elizabeth Holmes.

3. Exhibit 46 is a copy of a December 3, 2021 letter from Mr. Balwani’s counsel to counsel for the government supplementing Mr. Balwani’s expert disclosures.

4. Exhibit 47 is a copy of transcript excerpts from a July 20, 2020 hearing in this matter.

5. Exhibit 48 is a copy of the government’s October 1, 2021 supplemental expert disclosures to Mr. Balwani, redacted under the Court’s protective order to protect private health information and personally identifiable information.

6. Exhibit 49 is a copy of portions of Holmes Trial Exhibit 5387A noting Mr. Balwani’s objections to the admissibility of certain text messages under Federal Rules of Evidence 403 and 404.

7. Exhibit 50 is a copy of proposed Exhibit 5387H—comprising the government’s offered Exhibit 5387A and Mr. Balwani’s proposed additions under Federal Rule of Evidence 106. This proposal is subject to Mr. Balwani’s other objections. If the Court grants any of the other relief Mr. Balwani has requested, he will formulate a new exhibit based on the Court’s rulings.

I declare under penalty of perjury that the foregoing is true and correct.

Executed December 6, 2021 at San Jose, California.

s/Jeffrey B. Coopersmith
JEFFREY B. COOPERSMITH